

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

JODY SHAY TIMMONS,

Defendant and Appellant.

C039153

(Super. Ct. Nos.
01F03544, 00F04510)

In case number 01F03544, defendant Jody Shay Timmons entered a negotiated plea of no contest to driving under the influence resulting in injury (Veh. Code, § 23153, subd. (a)) and admitted personal infliction of great bodily injury (Pen. Code, § 12022.7, subd. (a); undesignated section references are to this code) and a strike prior (§§ 667, subds. (b)-(i), 1170.12) in exchange for a stipulated aggregate term of nine years. In case number 00F04510, defendant entered a negotiated plea of no contest to possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)) and admitted a strike prior (§§ 667, subds. (b)-(i), 1170.12) in exchange for a stipulated term of one year, four months, to run consecutively to the term

imposed in case number 01F03544. The court sentenced defendant accordingly.

Defendant appeals.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) On November 21, 2001, defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief, which was filed on the same day.

On January 28, 2002, we received a letter from defendant which, in part, asserted legal error concerning his case. The record shows defendant was informed about his right to file a supplemental brief within 30 days of November 21, 2001. His letter comes well beyond that time without good excuse. Therefore, we will not respond to his contentions.

We note two errors in preparation of the abstract of judgment. At sentencing, the court ordered defendant to register as a narcotics offender (Health & Saf. Code, §§ 11055, subd. (d)(2), 11590) but the order does not appear on the abstract. Further, defendant was sentenced as a two-strike defendant but the abstract fails to so reflect (item 4 was left blank). We will order the abstract of judgment corrected accordingly. (See *People v. Jones* (1999) 75 Cal.App.4th 616, 635 [correcting abstract to reflect § 1202.4, subd. (b), fine]; *People v. Sanchez* (1998) 64 Cal.App.4th 1329, 1331-1332

[correcting abstract to reflect mandatory laboratory fee orally imposed]; *People v. Hong* (1998) 64 Cal.App.4th 1071, 1074-1084 [correcting abstract to reflect restitution fine and mandatory DNA testing orally imposed]; *People v. Goodwin* (1997) 59 Cal.App.4th 1084, 1094, fn. 8 [correcting abstract to reflect restitution fine orally imposed].)

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting that defendant was sentenced as a two-strike defendant and was ordered to register as a narcotics offender. The trial court is further ordered to forward a certified copy of the corrected abstract to the Department of Corrections.

_____, J.
SIMS

We concur:

_____, P.J.
SCOTLAND

_____, J.
DAVIS